

REMARKS

Claims 1-17 are currently pending in the subject application, and claims 4-12 are presently under consideration – a clean version of these claims is found at pages 2-3. Applicants' representative acknowledges with appreciation the Examiner indicating claims 5 and 8 as being allowable if recast in independent form to include all limitations of the base claim and any intervening claims. It is believed such amendments are not necessary in view of the below-noted deficiencies of the cited references *vis a vis* the claimed invention. However, applicants' representative reserves the option to amend such claims into independent form at a later date, if necessary. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 4, 7, 9, 10 and 12 Under 35 U.S.C. §102(e)

Claims 4, 7, 9, 10 and 12 stand rejected under 35 U.S.C. §102(e) as being anticipated by Zegelin (US 6,484,216). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Zegelin does not teach or suggest the claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987)).

As recited in independent claim 4, the subject invention relates to an adaptable control system, comprising a physical media for providing communications to at least one I/O module, wherein the physical media includes a first protocol and a second protocol, ***the first protocol to enable the at least one I/O module to receive the network communications and the second protocol to provide the network communications to the at least one enabled I/O module.***

Zegelin does not teach or suggest the first protocol to enable the at least one I/O module to receive network communications. Rather, Zegelin discloses a method of switching between communication protocols. Zegelin teaches disabling a communications protocol and switching to a different communications protocol by means of a disabling control signal that is illegal

under the PCMCIA protocol. (C.7 L.19-32). In contrast, applicants' claimed invention enables at least one I/O module utilizing a point protocol that *facilitates a standard network communication* via a sequentially ordered enablement process.

Additionally, Zegelin does not teach or suggest a system wherein more than one I/O module may be enabled. Conversely, the claimed invention *permits enabling of more than one I/O module* by means of a PointBus architecture wherein modules may be sequentially enabled from an adjacent module.

Furthermore, Zegelin does not teach a physical media for providing communications to at least one I/O module, wherein the *physical media includes a first protocol and a second protocol* as in applicants' claimed invention. In the subject application as shown in Fig. 6, the described physical media is within the PointBus architecture. Thus, both the first and second protocol are employed either between the network interface and the I/O module or between an initial I/O module and a subsequent I/O module. On the other hand, in Zegelin, the interface adapter receives an illegal signal from a computer and interprets it as a command to switch to another communications protocol. (C.5 L.11-15). Thus, only a second protocol (network communications protocol) is employed in the physical media between the network interface and the I/O module.

In view of at least the above, it is readily apparent that Zegelin does anticipate the subject invention as recited in independent claim 4 (and claims 7, 9, 10, and 12 which depend there from). This rejection should be withdrawn.

II. Rejection of Claims 6 and 11 Under 35 U.S.C. §103(a)

Claims 6 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zegelin in view of Burke *et al.* (US 6,052,382). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Burke *et al.* does not make up for the aforementioned deficiencies of Zegelin with respect to independent claim 4 (which claims 6 and 11 directly or indirectly depend from). In particular, Burke *et al.* does not teach or suggest *a first protocol for enabling an I/O module and a second protocol to provide network communication to the enabled I/O module*. Therefore, the subject invention as recited in claims 6 and 11 is not

obvious over the combination of Zegelin and Burke *et al.* Accordingly, withdrawal of this rejection is respectfully requested.

III. Conclusion

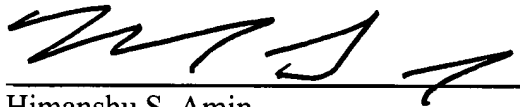
The present application is believed to be condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731